



# INDUSTRY CIRCULAR

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms  
Washington, D. C. 20226

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### INFORMATION FOR LABORATORIES ANALYZING WINE AND SPIRITS FOR EXPORT AND FOR WINERIES EXPORTING WINE TO THE EUROPEAN ECONOMIC COMMUNITY (EEC)

Proprietors of Bonded Wineries, Bonded Wine Cellars, Distilled Spirits Plants, and Others Concerned

**Purpose.** (A) This circular explains and clarifies the process employed by the Bureau of Alcohol, Tobacco and Firearms (ATF) in registering, with foreign governments, the names and addresses of laboratories which have been certified by ATF under the provisions of ATF Procedure 86-2 (see ATF Industry Circular 86-3) and any amendments thereto; and establishes new timeframes for this process. (B) In addition, this circular responds to questions raised concerning the laboratory analytical requirements set forth in Section 7 of ATF Procedure 86-1 (see ATF Industry Circulars 86-2, 86-6, and 88-1) relating to Forms V.I.1 for export to the European Economic Community (EEC); and, updates the ATF addresses stated in ATF Procedure 86-1.

**Background.** (A) Some foreign governments either routinely or randomly require chemical analysis as a condition of entry of wine and/or spirits into their markets. Certain of these foreign governments will allow the analysis of U.S. wine and spirits to be done by ATF-certified laboratories. With respect to wine entering the European Economic Community (see ATF Industry Circular 86-2) and Austria, and both wine and spirits entering Japan (see ATF Industry Circular 89-5), ATF-certified laboratory analysis will be accepted - but only if the names and addresses of these laboratories have first been officially registered by ATF with the foreign governments concerned. ATF believes it is appropriate to explain the general registration process in order to allow the public to have a better understanding of how this process takes place. ATF also feels it is necessary to restructure the timeframes associated with this process to facilitate overall administrative procedures.

(B) As a general rule, the analytical document accompanying the export of a wine or spirit identifies the ATF-certified laboratory which performed the analysis. The most notable exception to this rule occurs in connection with Section 7.08 of ATF Procedure 86-1 which specifies that, when using the simplified procedures for completing EEC Forms V.I.1, the laboratory need not be identified on the form. This exception has apparently caused some confusion amongst certain producers and therefore warrants clarification. ATF Procedure 86-1 also makes reference to three addresses which are no longer applicable and require correction.

**Explanation and Clarification of the Process of Registering ATF-Certified Laboratories with Foreign Governments.** All laboratories registered by ATF with foreign governments must first be certified. Laboratory certification procedures are set forth in ATF Procedure 86-2 for wine and Revenue Procedure 69-22 for spirits. The application for certification must be submitted to:

National Laboratory Center  
Bureau of Alcohol, Tobacco and Firearms  
Certified Laboratories Program - Wine (or Spirits as appropriate)  
1401 Research Boulevard  
Rockville, Maryland 20850

Since the overall provisions regarding qualifications to be met for laboratory certification are subject to periodic review and update, interested persons should contact the ATF National Laboratory Center to insure they have the latest information available before applying.

It should be noted that the entity which is granted certification is not a laboratory, in and of itself, but rather a qualified individual (e.g., graduate chemist) in association with a qualified laboratory. The application must identify the name of both the individual and the laboratory and the address of the premises where the laboratory is located. If the laboratory has facilities at more than one address, all addresses must be specified. An amended application must be immediately submitted to the ATF National Laboratory Center should there be any change in the status of: the individual (e.g., change in name); the laboratory (e.g., change in name or location); or, the relationship between the two (e.g., change in employment).

The ATF National Laboratory Center determines whether the application shall be approved or disapproved and, thereafter, the individual is notified of the decision. The ATF National Laboratory Center forwards the name and address of the approved or disapproved laboratory to the Alcohol Import-Export Branch, ATF Compliance Operations.

The Alcohol Import-Export Branch is responsible for the process of foreign government registration. Although the entity certified by the ATF National Laboratory Center is the individual in conjunction with a specific laboratory, the Alcohol Import-Export Branch, in order to facilitate administrative procedures, registers only the name and address of the laboratory with foreign governments. For reasons explained below, any difference between the laboratory name and address as it is required to appear on the application for certification and the name and address as it may appear on analytical documentation presented to foreign Customs authorities may result in delay or rejection of shipments. Therefore, any such differences should be brought to ATF's attention at time of application so that appropriate steps may be taken to avoid future problems.

The Alcohol Import-Export Branch maintains two lists, one for laboratories certified for the analysis of wine and the other for the analysis of spirits. These lists are updated as new information from the ATF National Laboratory Center is received. Newly certified laboratories are added to the list, and laboratories which are no longer certified are deleted from the list.

The Alcohol Import-Export Branch registers the updated wine laboratory list with the EEC Commission and the Government of Austria and registers both the updated wine and spirits laboratory lists with the Japanese Ministry of Finance and Ministry of Health and Welfare. The registration process (additions and deletions) is done about two or three times a year although this may vary.

The foreign governments then forward the updated lists to their Customs authorities. These lists identify the ATF-certified laboratories using the names and addresses under which they were registered. If the analytical documents accompanying the shipment identify the laboratory in a manner other than as shown in the lists, the Customs' authorities may question the documentation and such questions may result in the delay or rejection of the shipment. It is for this reason that any discrepancies between the operating name and premises address of the laboratory as required to be shown on the application and the name and address as shown on analytical documents should be brought to ATF's attention at the time the laboratory applies for certification.

**New Timeframes for the Registration Process.** In the past, there has been no definite relationship between the date on which the ATF National Laboratory Center notifies the applicant of whether the submitted request for laboratory certification has been approved or disapproved and the date on which the Alcohol Import-Export Branch registers the updated list of ATF-certified laboratories with foreign governments. This lack of specificity with respect to timeframes has led to some questions amongst applicants and has raised various

administrative concerns. Consequently, ATF is establishing the following timeframes in order to better serve the public and to facilitate the governmental procedures associated with the registration process:

- (a) the ATF National Laboratory Center will notify the applicant, by letter, of the approval or disapproval of the submitted request for laboratory certification as soon as possible after the decision is made;
- (b) prior to January 1, 1993, if a new, renewed, or amended application for laboratory certification is acted on (approved or disapproved) by the ATF National Laboratory Center, the Alcohol Import-Export Branch will register (or delist) the name and address of the laboratory with the appropriate foreign government(s) as soon as possible after action is taken;
- (c) beginning 1993 and thereafter, if a new, renewed, or amended application for laboratory certification is acted on by the ATF National Laboratory Center during the period covering January 1 - June 30, the Alcohol Import-Export Branch will register (or delist) the name and address of the laboratory with the appropriate foreign government(s) as soon as possible after June 30 of the given year;
- (d) beginning 1993 and thereafter, if a new, renewed, or amended application for laboratory certification is acted on by the ATF National Laboratory during the period covering July 1 - December 31, the Alcohol Import-Export Branch will register (or delist) the name and address of the laboratory with the appropriate foreign government(s) as soon as possible after December 31 of the given year;
- (e) the Alcohol Import-Export Branch will notify the laboratory, by letter, as soon as possible after the date on which the laboratory has been registered with the appropriate foreign government(s).

Questions Raised Concerning the Laboratory Analytical Requirements Set Forth in Section 7 of ATF Procedure 86-1. ATF Procedure 86-1 explains how to complete Forms V I.1. These are the documents which must, in most cases, accompany shipments of wine exported to the IEC. Section 7 of ATF Procedure 86-1 explains the simplified procedure that may be used by certain qualifying wineries in completing these forms. ATF would like to respond to the following questions that have arisen with respect to the analytical requirements set forth in Section 7.

1. Question - The provisions of Section 7 of ATF Procedure 86-1 do not require that the laboratory which performed the required analyses be identified on the Forms V I.1. Does this mean that the analyses may be done by a laboratory other than one which has been officially certified by ATF for the analysis of wine?

Response - No. Regardless of whether or not the laboratory must be identified, the laboratory performing the analyses must be one which has been officially certified by ATF for the analysis of wine.

2. Question - Is a laboratory acting on behalf of a winery certified under Section 8 of ATF Procedure 86-1 considered a laboratory officially certified by ATF?

Response - No. A laboratory is not considered certified simply because it is performing analyses on behalf of a winery certified under the provisions of Section 8 of ATF Procedure 86-1. Laboratory certification and winery certification involve two completely different procedures.

3. Question - What must be done in order for a laboratory to become officially certified by ATF?

Response - The laboratory must apply for certification under the provisions of ATF Procedure 86-2 (and any amendments thereto). The applicant must be notified by letter from the ATF National Laboratory Center of the approval of the application.

4. Question - How may wineries determine whether or not a laboratory is officially certified?

Response - There are 23 laboratories currently certified by the ATF National Laboratory Center for the analysis of wine. The list of certified laboratories may be obtained, upon request, by writing:

Chief, Alcohol Import-Export Branch  
Bureau of Alcohol, Tobacco and Firearms  
Washington, DC 20226

Updates of ATF addresses stated in ATF Procedure 86-1. The addresses stated in Sections 7.07, 8.01, and 10.01 of ATF Procedure 86-1 are no longer applicable.

The address in Section 7.07 should be corrected to read:

Bureau of Alcohol, Tobacco and Firearms  
Washington, DC 20226  
U.S.A.

The addresses in Sections 8.01 and 10.01 should both be corrected to read:

Chief, Alcohol Import-Export Branch  
Bureau of Alcohol, Tobacco and Firearms  
Washington, DC 20226

Inquiries: Inquiries concerning any aspect of this industry circular should refer to its number and be addressed to:

Chief, Alcohol Import-Export Branch  
Bureau of Alcohol, Tobacco and Firearms  
Washington, DC 20226

  
Director